

## BOARD MEETING MINUTES

The Board of the Washington Fire Commissioners Association held a regular meeting on Wednesday, October 21, 2009 at the Doubletree Hotel in Spokane, Washington.

Members present: President Robert Skaggs, Secretary-Treasurer Les Riel, Region 1 Director Sharon Colby, Region 2 Director Emilio Buttice, Region 4 Director Ken Eakin, Region 5 Director Steve Lich, Region 6 Director Jim Farrell, Region 7 Director Jerry Strong, Region 8 Director Keith Merritt, Region 9 Director Mick McKinley and Immediate Past President Joe Dawson.

Also present: Gene Carmody (Port Ludlow Fire & Rescue), Joe Gendron (Yakima 4), Bill Hansen (Port Ludlow Fire & Rescue), Jack Hensley (Spokane 4), Roger Hershey (South King Fire & Rescue), Richard Kistler (Thurston 7), Brad Langdell (Walla Walla 5), Ron Shuck (Franklin 3), Jon Sitkin (Chmelik, Sitkin & Davis), Brian Snure (Snure Law Office), Ryan Spiller (Capitol Connection), Steve Townsend (Mason 12), Dwight Vander Vorste (Grant 10), Roger Ferris, Sandy Babcock, Jim Lux and Nora Eylenfeldt (WFCA).

Richard Kistler administered the oath of office to Robert Skaggs, who in accordance with the WFCA bylaws, was now WFCA President as a result of Bill Gates' resignation on October 9, 2009.

President Skaggs called the meeting to order at 1:02 p.m.

Keith Merritt moved and it was seconded to approve the agenda as presented. **Motion carried.**

Les Riel moved and it was seconded to approve the July 11, 2009 Board meeting minutes as submitted. **Motion carried.**

Les Riel gave the Secretary-Treasurer's report reviewing third quarter finances, noting the budget is on target to date. Keith Merritt moved and it was seconded to table approval of disbursements until the December meeting. **Motion carried.**

President Skaggs discussed recent events surrounding an email that was sent by Mick McKinley to Bill Gates which posed several questions concerning Commissioner Gates' district's involvement in forming a health care cooperative under the Washington Fire Chiefs. As Chair of the Executive Committee at the time, President Skaggs believed the committee should meet to hear from both Mick McKinley and Bill Gates regarding the matter. The Washington Fire Chiefs requested inclusion in that meeting; however, President Skaggs denied the Chiefs' request as he believed this was a WFCA issue that should be handled internally.

The Executive Committee met on October 7 and heard from both commissioners. The committee then recommended 1) that the Board consider not having the WFCA President serve as a member of the WFCA Health Care Committee; 2) that the Board consider an email policy for the association and its directors; and 3) that Mick McKinley consider apologizing to Bill Gates for using the word "treason" in his email. The committee concluded that the remainder of the email would stand for itself as written. Les Riel stated Commissioner McKinley left the Executive Committee meeting prior to the recommendations being made and was later told of the committee's action. President Skaggs asked Board members if they had any questions. Mick McKinley stated some people have questioned his intentions for writing the email suggesting he was conspiring to oust Commissioner Gates in favor of other Board members running

for President. Commissioner McKinley stated he did not mean to disparage Commissioner Gates in any way, and in fact, had been a supporter of Commissioner Gates in the past. Commissioner McKinley apologized to the Board for “anything I brought to the association and the Board” as a result of his email. President Skaggs stated that in the interest of maintaining transparency, it is important for Board members to bring forward any issues they believe to be wrong, as Commissioner McKinley did.

Discussion was held regarding an association email policy. Roger Ferris suggested the Board adopt email etiquette procedures rather than an email policy. Discussion followed.

Joe Dawson suggested a policy regarding the WFC president’s standing on committees. Keith Merritt moved and it was seconded to direct staff to draft a president’s job description to reflect that he/she serves as an ex-officio member of any and all committees, unless otherwise prescribed by the bylaws; this draft shall be presented to the Board in December for approval. **Motion carried.**

Les Riel moved and it was seconded to direct Roger Ferris to draft an email policy for review at the December Board meeting. **Motion carried.**

Keith Merritt asked what is known about a possible health care program sponsored by the Washington Fire Chiefs (WFC). Commissioner Merritt stated he asked his fire chief, who sits on the Washington Fire Chiefs’ Fire Rescue Wellness Corporation, whether the Chiefs were investigating the possibility of sponsoring a self-funded health care program and his chief responded “no.” Roger Ferris stated it appears the WFC has neither filed with the Offices of the Washington State Risk Manager nor the Washington State Insurance Commissioner; however, they may have filed under the federal ERISA program or a private group. Mr. Ferris is aware of a draft interlocal agreement for a self-funded health care program sponsored by the WFC and while the Chiefs are free to pursue this, nobody has approached him with information regarding the program. Mr. Ferris expects to have more information at the December Board meeting.

Mick McKinley stated several Kitsap County fire districts have been involved in a health care cooperative and recently South Kitsap Fire & Rescue announced it was switching to another program. According to recent minutes of the Kitsap County Health Care Committee, chaired by the President of the Washington Fire Chiefs, there have been numerous discussions with the WFC about the Fire Chiefs’ self-funded health care program. When Commissioner McKinley learned of this he questioned Roger Ferris as to why Mr. Ferris had not informed the Board of the Chiefs’ intentions. Mr. Ferris had responded that he had no knowledge of the Chiefs’ program. It was noted that over the past couple of years the Executive Committees of both associations have met from time to time to discuss issues of mutual interest and not once did this topic come up for discussion. Les Riel added that the Executive Committees were scheduled to meet on September 11, 2009 but the Chiefs cancelled due to what they deemed to be a lack of discussion topics. Jim Farrell urged members to work together in a collaborative way.

Jack Hensley gave the Health Care Committee report distributing the draft employer application for the WFC health care program. Jim Farrell moved and it was seconded to adopt the application as recommended by the Health Care Committee. **Motion carried.** Commissioner Hensley stated there is currently one vacancy on the committee and there will be another as of January 1, 2010. He distributed a draft document outlining the process for filling vacancies. Sharon Colby moved and it was seconded to accept the process recommended by the committee to fill the vacancies. **Motion carried.**

Jim Lux gave the Health Care Manager's report. Revisions to WAC 82.60, which applies to self-funded health care programs, should be completed in March; changes would go into effect for the plan year 2011. He has prepared a few requests for proposals and will report enrollment data in December.

Roger Ferris presented the Finance Manager's report noting there are more claims being paid out than premiums collected resulting in a \$1.5 million deficit which is covered by health care reserves. Negotiations are underway with the stop loss carrier and a significant increase is expected due to large claims' experience. Mr. Ferris noted that all health care dollars go toward the program and are not comingled or in any way part of regular WFCOA operations. The state auditor will perform an audit on the health care program in November.

Roger Ferris discussed contracts for Trusteeds Plans Service Corporation (TPSC) and Mercer. Mr. Ferris recommended adoption of both as submitted (5.9% increase for TPSC and 4.4% for Mercer). Jim Farrell moved and it was seconded to adopt both contracts as presented. **Motion carried.**

President Skaggs accepted the Health Care Manager and Investment Officer's reports.

Roger Ferris stated the association received correspondence from the state auditor announcing the audit of WFCOA regular operating and the health care program will begin November 9.

Roger Ferris noted another piece of correspondence in which Bill Gates tendered his resignation as President and as a member of the Health Care Committee, effective October 9, 2009.

Roger Ferris presented the conference report noting registrations are down about 5% from last year, but numbers are still strong.

Roger Ferris announced the WFCOA Legislative Roundtable, a program adopted by the Board at its last meeting, will be held on Saturday, May 1, 2010 at the Yakima Convention Center.

Roger Ferris urged Board members and others to visit the outdoor vendor displays at conference.

President Skaggs accepted the Executive Secretary's report.

Les Riel presented the Education Committee report stating the 2010 program will include the commissioners' role and responsibility class. The committee will meet on November 14 to set the Chelan subject matter. President Skaggs accepted the Education Committee report.

Ryan Spiller presented the legislative report noting the major issues identified by the committee for the upcoming session:

1. Volunteer recruitment and retention incentives (volunteer license plates, ability to collect pensions while still serving as a volunteer);
2. Impact fees;
3. EMS levies reduced to simple majority vote;
4. Residential sprinklers;
5. Pension protection.

President Skaggs accepted the legislative report.

President Skaggs noted that a written report was submitted to the Board by the Fire Protection Policy Board representative.

Keith Merritt gave the Fire Service Leadership Forum report stating the Forum met recently, but attendance was low. He anticipates more information from fire agencies to come forward in November and will report to the Board in December.

Steve Lich gave the E911 Advisory Committee report stating there are public education efforts underway regarding “know your location” because 911 operators cannot pinpoint emergency locations through GPS. Commissioner Lich stated individuals cannot text to 911 centers in Washington nor most places in the country until Next Generation 911 goes into effect. He urged the WFCA to support Next Generation 911 funding which was an issue during the last legislative session. Ryan Spiller noted this legislation can be discussed at the next Legislative Committee meeting.

Roger Ferris announced Mark Freitas has resigned as alternate from the E911 Advisory Committee so anyone wishing to serve in this capacity should notify the state office.

Richard Kistler addressed the Board stating he would like to continue serving as the WFCA representative on NAEFO. The recent conference was successful and NAEFO is working on a multi-year contract for future conventions with Las Vegas properties. Les Riel moved and it was seconded to reaffirm Dick Kistler’s appointment as WFCA representative on NAEFO. **Motion carried.**

Richard Kistler reported the Board for Volunteer Firefighters Ad Hoc Committee has added regional fire authorities as pension benefits recipients. Non-response volunteer personnel are not included; however, another program is being investigated for these individuals. The Ad Hoc Committee has concluded its work.

Roger Ferris stated there has been a delay in changes to 296-305 Firefighter Safety Standards. A final draft will be forwarded for comment when it is received by the WFCA office.

Roger Hershey asked about emergency worker cards. It was noted these cards are issued by county departments of emergency management. Roger Ferris will look into this issue.

Roger Ferris presented the James R. Larson Forum Building report stating he is in discussions regarding restroom remodel. Within the year he will be negotiating leases. Mr. Ferris stated staff is looking into a possible renovation of the WFCA office to accommodate an appropriate work space for the Health Care Manager. President Skaggs accepted the Forum report.

Joe Dawson brought up regional boundaries, stating the bylaws stipulate there will be a review of boundaries in the years ending 0 and 5. The new president will deal with this issue.

Steve Lich moved and it was seconded to authorize the Education Committee to set the subject matter for the 2010 Chelan seminar. **Motion carried.**

Roger Ferris stated the Board has been provided the Executive Secretary performance evaluation form. The Executive Committee will meet in November to review the completed evaluations and formulate a final report for presentation at the December Board meeting.

The Board discussed the Vice Presidential vacancy. The bylaws mandate filling the vacancy within 60 days. Les Riel moved and it was seconded to appoint as Vice President the individual who is elected by the membership on Friday. Discussion followed. The motion and second were rescinded. President Skaggs stated this Board meeting would recess at the conclusion of today's business and reconvene on Friday, October 23, 11:30 a.m., following the Board elections, for the purpose of appointing a Vice President.

Board members and guests proceeded with introductions.

Attorney Jon Sitkin addressed the Board regarding a Whatcom County court case. A few years ago, Birch Bay, a non-municipal urban growth area which is served by Whatcom 21, found out about new developments planned in the district. The district was informed that it would be obligated to provide an "urban level of service" set by the county. A number of court challenges followed, all of which were struck down. Because of potential statewide impact to fire districts, Mr. Sitkin asked if the WFCA would like to join as a "friend of the court" in a Washington State Supreme Court appeal. Jim Farrell moved and it was seconded that the WFCA enter into the case as a friend of the court and authorize an expenditure not the exceed \$5,000. **Motion carried.** Mr. Sitkin noted it is likely there will be another legal case related to this issue in the future and he will keep the Board informed as it progresses. It was suggested that information regarding this matter be included in *Fireline*.

Regional directors reported on activities within their respective regions.

There being no further business, the meeting was recessed at 3:30 p.m.

The Board resumed its meeting on Friday, October 23, 2009 at 11:30 a.m.

In attendance: Bob Skaggs, Les Riel, Sharon Colby, Emilio Buttice, Dwight Vander Vorste (Region 3 Alternate), Ken Eakin, Steve Lich, Jerry Strong and Keith Merritt.

Also present: Roger Ferris and Nora Eyllenfeldt.

Sharon Colby announced her resignation as WFCA Region 1 Director. Keith Merritt moved and it was seconded to accept Commissioner Colby's resignation. **Motion carried.**

Les Riel moved and it was seconded to appoint Sharon Colby to fill the unexpired term of WFCA Vice President. **Motion carried.**

Les Riel moved and it was seconded to adjourn at 11:37 a.m. **Motion carried.**